

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

QUENTIN SORROW,

Plaintiff,

v.

ANIXTER, INC. AND JOHN
DOE

Defendants.

Civil Action File No:

NOTICE OF REMOVAL

COMES NOW Defendant Anixter, Inc. (“Anixter”), and Petitions for Removal of the action herein from the State Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division and respectfully shows the Court the following:

1.

Plaintiff filed a civil action in the State Court of Gwinnett County, Georgia, styled *Quentin Sorrow v. Anixter, Inc. and John Doe*, Civil Action File No. 23-C-00085-S2. (Attached as Exhibit “A” are copies of all process, pleadings, and orders received by counsel for Defendant Anixter in such action).

2.

This Notice of Removal is filed within thirty (30) days of service upon Defendant Anixter, Inc. Defendant was served with this action on January 20, 2023.

3.

The State Court of Gwinnett County, Georgia is within the Northern District of Georgia, Atlanta Division, and removal to this Court is proper pursuant to 28 U.S.C. § 1441(a).

4.

Attached as Exhibit “B” is a copy of the Notice of Filing Notice of Removal that is being filed with the State Court of Gwinnett County as required by 28 U.S.C. § 1446(d).

5.

Plaintiff in this action is Quentin Sorrow and he is a citizen of the State of Georgia. (Complaint, ¶ 1).

6.

Anixter, Inc. Corp is a Delaware corporation with its principal place of business in Illinois. (Attached as Exhibit “C” is a copy of the undersigned’s Affidavit regarding removal).

7.

Complete diversity of citizenship exists between the parties to this case. “In determining whether a civil action is removable on the basis of [diversity jurisdiction], the citizenship of defendants sued under fictitious names shall be disregarded.” 28 U.S.C. § 1441(b)(1). *Smith v. Comcast Corp.*, 786 F. App'x 935, 939 (11th Cir. 2019).

8.

Plaintiff's Complaint seeks to recover for alleged personal injuries. Plaintiff seeks over \$66,000 in special damages consisting of past medical expenses and lost wages (Complaint, ¶ 35, 37), and general damages including past and future medical specials, lost capacity to labor and “disability,” other necessary expenses, past, present, and future mental and physical pain and suffering, and loss of the capacity for enjoyment of life which have impacted his ability to lead a normal life. The amount in controversy in this case exceeds \$75,000.¹

9.

Therefore, this action is one over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332, in that (a) Plaintiff and Defendant are citizens of

¹ While the amount in controversy satisfies the requirements for removal, Defendant does not concede that it is liable to Plaintiff as alleged in the Complaint and reserves all defenses.

different states, and (b) the matter in controversy has a value, exclusive of interest and costs, in excess of \$75,000.

10.

Defendant Anixter, Inc. reserves all defenses, including those of service, venue and personal jurisdiction, and will answer or present other defenses within the time permitted by Federal Rule of Civil Procedure 81(c).

WHEREFORE, Defendant Anixter, Inc. prays that this petition be filed, that said action be removed to and proceed in this Court, and that there be no further proceedings in said case in the State Court of Gwinnett County, Georgia.

The undersigned has read this Notice of Removal, and to the best of her knowledge, information and belief, formed after reasonable inquiry, determined it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

The undersigned reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, these Defendant Anixter, Inc. respectfully removes this action from the State Court of Gwinnett County, Georgia to this Court under 28 U.S.C. §§ 1332, 1441, and 1446.

Respectfully submitted this 16th day of February, 2023.

DREW ECKL & FARNHAM, LLP

s/ Gwendolyn D. Havlik

Gwendolyn D. Havlik

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CERTIFICATE OF FONT COMPLIANCE

Counsel for Defendant hereby certifies that the forgoing has been prepared with one of the font and point selections approved by the Court in LR 5.1(B): Times New Roman (14 point).

This 16th day of February, 2023.

DREW ECKL & FARNHAM, LLP

s/ Gwendolyn D. Havlik

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing *Notice of Removal* upon all parties to this matter by filing with the Court's CM/ECF system, which will automatically e-mail notification of same to the following counsel of record:

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B. Chase Elleby
M. Jared Easter
Williams Elleby
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The Law Office of R. Douglas Lenhardt, LLC
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This 16th day of February, 2023.

DREW ECKL & FARNHAM, LLP

s/ Gwendolyn D. Havlik

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